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**From:** "Carl Johnston" <CJohnston@osmre.gov>  
**To:** "Angela Nance" <angelanance@utah.gov>  
**Date:** 12/6/2006 1:56:01 PM  
**Subject:** RE: Formal Consultation with USFWS

Ms Nance:

Attached is the draft Biological Assessment for the Bear Canyon mine.  
Please let me know if you have any comments as soon as you can so I can  
send it out and get the process started.

I assume that you have addressed all of the other listed species and  
have made a "no affect" determination for them.

Carl R. Johnston

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UT-0053

December 7, 2006

Field Supervisor  
U.S. Fish & Wildlife Service  
2369 West Orton Circle  
West Valley City, Utah 84119

RE: Formal section 7 Consultation, Co-Op Mining Company, "Bear Canyon" mine,  
Utah State Permit C/015/0025

Dear Sir or Madam:

The Office of Surface Mining Reclamation and Enforcement (OSM) Western Region has been requested to formally consult with the U.S. Fish & Wildlife Service, regarding the above subject by the Utah Division of Oil, Gas & Mining (UT-DOGM).

The Bear Canyon underground mine is located in Emery County, Utah approximately twelve (12) miles west of the town of Huntington, Utah on private lands and lands within the Manti - LaSal National Forest. The mine has been in operation since 1938. The life of the currently approved mining operations within the approved permit area is estimated to be approximately six (6) years. The mining operations use a combination of room and pillar mining and longwall methods to produce approximately 1.0 million tons per year from the Blind Canyon and Tank seams but could reach the approved maximum production rate of 1.5 million tons per year.

Co-Op Mining Company proposes to add approximately sixty (80) acres to Federal lease U-024316, add 2,196 acres in Federal lease U-61049, add 1,400 acres in Federal lease U-46484, add 1,102 acres in new Federal lease U-61048, and add 2,740 acres of fee coal to the Bear Canyon mine, Utah State permit C/015/025 in;

Township 16 South, Range 7 East SL Meridian Utah

Section 1, all;  
Section 10, all excepting the SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>;  
Section 11, all;  
Section 12, all;  
Section 13, E<sup>1</sup>/<sub>2</sub>, E<sup>1</sup>/<sub>2</sub>W<sup>1</sup>/<sub>2</sub>;  
Section 14, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>.

Township 16 South, Range 8 East SL Meridian Utah

Section 6, S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Section 7, all;  
Section 8, W $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Section 16, all;  
Section 17, all;  
Section 18, all;  
Section 19, N $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Section 20, N $\frac{1}{2}$ , N $\frac{1}{2}$ Sw $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Section 21, all excepting the SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

The above-mentioned tracts of land are also shown on USGS 7.5 minute quadrangle map of Hiawatha.

As a part of its permit application, Co-Op Mining Company estimates that mining and associated operations will result in a 68.72 ac/ft average annual depletion to the Price River Drainage in the upper Colorado River Basin..

**Colorado pikeminnow**

The Colorado pikeminnow (*Ptychocheilus lucius*) is a torpedo-shaped fish with an olive-green and gold back, silver sides and white belly. The Colorado pikeminnow thrives in swift flowing muddy rivers with quiet, warm backwaters and are primarily piscivorous, but smaller individuals also eat insects and other invertebrates. These fish spawn between late June and early September and when they are 5 to 6 years old and at least 16 inches long. Spawning occurs over riffle areas with gravel or cobble substrate. The eggs are randomly splayed onto the bottom, and usually hatch in less than one week.

**razorback sucker**

The razorback sucker (*Xyrauchen texanus*) is brownish-green with a yellow to white-colored belly and has an abrupt, bony hump on its back shaped like an upside-down boat keel. Razorback suckers are found in deep, clear to turbid waters of large rivers and some reservoirs over mud, sand or gravel and like most suckers feeds on both plant and animal matter. Razorback suckers can spawn as early as age 3 or 4, when they are 14 or more inches long. Breeding males turn black up to the lateral line, with brilliant orange extending across the belly. Depending on water temperature, spawning can take place as early as November or as late as June. In the upper Colorado River basin, razorbacks typically spawn between mid-April and mid-June.

**bonytail**

The bonytail (*Gila elegans*) is a member of the minnow family and has large fins and a streamlined body that typically is very thin in front of the tail with a slight hump behind the head. They are gray or olive-colored back, silver sides and a white belly. The bonytail typically lives in large, fast-flowing waterways of the Colorado River system. Adults feed on terrestrial insects, zooplankton, algae and plant debris. Young feed mainly on

aquatic insects. They are capable of spawning at 5 to 7 years of age. During breeding, males turn red-orange on the belly and paired fins. No reproducing populations are known in the wild.

### **humpback chub**

The humpback chub (*Gila cypha*) is member of the minnow family that is olive-colored back, silver sides, a white belly, small eyes and a long snout that overhangs its jaw. The pronounced hump behind its head gives the humpback chub a striking, unusual appearance. The humpback prefers deep, fast-moving, turbid waters often associated with large boulders and steep cliffs feeding predominately on small aquatic insects, diatoms and filamentous algae. These fish spawn as young as 2-3 years and at lengths as small as 5 inches. Their spawning season is between March and July. During breeding, males develop red tinges on the venter and cheeks.

### Determination of Effect

The U.S. Fish & Wildlife Service has previously determined that water depletions in the Upper Colorado River System are a major source of impact to the endangered fish species. Continued water withdrawals have restricted the ability of the Colorado River system to produce the flow conditions required by the various life stages of these fish.

Based on the above information, OSM has determined that the addition of the approximately 7,524 acres described above to Co-Op Mining Company's Bear Canyon mine "may affect / likely to adversely affect" the continued existence of the Colorado pikeminnow, humpback chub, razorback sucker and bonytail. Therefore, OSM is requesting the initiation of formal section 7 consultation for the net annual water depletion of 68.72 ac/ft from the Upper Colorado River Basin.

OSM understands that, should the estimated annual depletion change in the future, or if Co-Op Mining Company makes additional changes in the Bear Canyon permit application or mining operations, OSM will need to reinitiate consultation with your office.

If you have any questions regarding this biological assessment, please give me a call at (303) 844-1400, extension 1500.

Sincerely,

Carl R. Johnston  
Natural Resource Specialist

cc: UT-DOGM